

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CASE NO. 18-68840-JRS
)	
Scottie Lamar Cousins,)	CHAPTER 13
Debtor.)	
_____)	_____
)	
IH6 Property Georgia, LP,)	
Movant,)	CONTESTED MATTER
)	
vs.)	
)	
Scottie Lamar Cousins, Debtor,)	
Nancy J. Whaley, Trustee,)	
Respondents.)	

**MOTION TO LIFT STAY FOR DEBTOR’S NONCOMPLIANCE WITH
STRICT COMPLIANCE ORDER**

COMES NOW IH6 Property Georgia, LP (“Movant”), and files this Motion for To Lift Stay for Debtor’s Noncompliance with Strict Compliance Order and shows the Court as follows:

1.

Debtor leases certain real property from Movant commonly known as 2916 Noah Drive, Acworth, Georgia (“Property”). Movant sought relief from the auto-

matic stay [Doc. 21] as Debtor had defaulted under the terms of the lease agreement between the parties by failing to pay rent, late fees, and utilities for September 2018 through January 2019.

2.

This Court entered an Order Denying Motion for Relief from Stay with Strict Compliance (“Strict Compliance Order”) on March 28, 2019 [Doc. 33] pursuant to the terms reached by Movant and Debtor.

3.

The terms of the Strict Compliance Order required Debtor to make a payment both towards the accrued arrearage on February 11, 2019 and to strictly comply with the rental obligations from the date of the Strict Compliance Order forward, beginning with March 1, 2019 rent.

4.

Any default under the terms of the Strict Compliance Order requires Movant to send a notice of said default to Debtor and Debtor’s counsel. Debtor has five (5) days from receipt of said notice to cure the default in question.

5.

Debtor failed to tender any of the payments due under the Strict Compliance

Order on time or in full.

6.

On November 21, 2019, counsel for Movant sent a Notice of Default Pursuant to Strict Compliance Order (“Notice of Default”) to both Debtor and Debtor’s counsel. *See* Notice of Default attached hereto as Exhibit 1.

7.

Debtor failed to timely cure the default by tendering the sums due thereunder on or before the fifth (5th) day after receipt of said Notice of Default. *See* Affidavit of Debtor’s Noncompliance with Terms of Strict Compliance Order attached hereto as Exhibit 2.

8.

Movant therefore requests this Court to enter an Order granting it relief from the automatic stay as outlined in the Strict Compliance Order without further hearing.

9.

Movant wishes to dispossess Debtor and any other occupants from the Property but is unable to exercise its state law remedies and initiate state law dispossessory proceedings as the automatic stay remains in effect.

WHEREFORE, Movant prays for the following relief:

- (A) An Order granting Movant relief from the automatic stay and authorizing Movant to exercise its state law rights to dispossess Debtor from the Property and seek a monetary judgment for all unpaid amounts currently owed to Movant under the Lease;
- (B) That the Court waive the 14-Day Stay of Bankruptcy Rule 4001(a)(3);
and,
- (C) For such other and further relief as the Court deems just and equitable

Dated: December 12, 2019.

O'KELLEY & SOROHAN
ATTORNEYS AT LAW, LLC

/s/ Brandi N. Wade
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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2019 I served the following parties by electronically filing the foregoing Motion to Lift Stay for Debtor's Noncompliance with Strict Compliance Order using the CM/ECF system or first class mail:

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Debtor

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